

AMENDED IN SENATE JUNE 24, 2003
AMENDED IN ASSEMBLY MAY 13, 2003
AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1197

**Introduced by Assembly Member Wiggins
(Coauthors: Assembly Members Goldberg, Jerome Horton,
Kehoe, Leno, and Montanez)**

February 21, 2003

An act to amend Section 82019 of the Government Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Wiggins. Political Reform Act of 1974: conflicts of interest.

The Political Reform Act of 1974 requires each state or local government agency to adopt a conflict of interest code, pursuant to which each designated employee of the agency, as defined, shall file statements of economic interest disclosing his or her financial interests, as specified.

This bill would further define a “designated employee” as including any board member, chief business officer, superintendent~~and~~, assistant superintendent, *deputy superintendent, associate superintendent, chief personnel officer, and general counsel* of a public school district or county office of education, *and equivalent positions*, and any ~~person~~ *individual* having governance or management responsibility in a charter school.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82019 of the Government Code is
2 amended to read:

3 82019. (a) "Designated employee" means an officer,
4 employee, member, or consultant of any agency whose position
5 with the agency is any of the following:

6 (1) Is exempt from the state civil service system by virtue of
7 subdivision (a), (c), (d), (e), (f), (g), or (m) of Section 4 of Article
8 VII of the Constitution, unless the position is elective or solely
9 secretarial, clerical, or manual.

10 (2) Is elective, other than an elective state office.

11 (3) Is designated in a ~~Conflict of Interest Code~~ *conflict of*
12 *interest code* because the position entails the making or
13 participation in the making of decisions which may foreseeably
14 have a material effect on any financial interest.

15 (4) Is involved as a state employee at other than a clerical or
16 ministerial level in the functions of negotiating or signing any
17 contract awarded through competitive bidding, in making
18 decisions in conjunction with the competitive bidding process, or

1 in negotiating, signing, or making decisions on contracts executed
2 pursuant to Section 10122 of the Public Contract Code.

3 “Designated employee” does not include an elected state
4 officer, any unsalaried member of any board or commission which
5 serves a solely advisory function, any public official specified in
6 Section 87200, and also does not include any unsalaried member
7 of a nonregulatory committee, section, commission, or other such
8 entity of the State Bar of California.

9 (b) (1) Notwithstanding subdivision (a), “designated
10 employee” also includes any board member, chief business
11 officer, superintendent ~~and~~, assistant superintendent, *deputy*
12 *superintendent, associate superintendent, chief personnel officer,*
13 *and general counsel* of a public school district or county office of
14 education, and any ~~person~~ *individual* having governance or
15 management responsibility in a charter school.

16 (2) *If a public school district or county office of education does*
17 *not utilize the traditional title of a position as listed in paragraph*
18 *(1), an individual who holds a position with duties equivalent to*
19 *a position listed in paragraph (1) is a designated employee.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 SEC. 3. The Legislature finds and declares that the provisions
30 of this act further the purposes of the Political Reform Act of 1974
31 within the meaning of subdivision (a) of Section 81012 of the
32 Government Code.